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June 6, 2024

Via ECF

Hon. Arun Subramanian, U.S.D.J.
United States District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Franco v. 380 Second LLC et al*
Case No.: 1:22-cv-04011-PAE-JW

Dear Honorable Judge Subramanian:

This law firm represents Defendant Small Door Gramercy LLC (“Small Door Gramercy”) in the above-referenced action.

Pursuant to Your Honor’s Individual Rules, and the directives contained in Your Honor’s June 3, 2024 Scheduling Order [Dckt. No. 135], the instant letter respectfully serves to advise Your Honor that Small Door Gramercy’s principal, and Fed.R.Civ.P. 26(a)(2) expert witness, are unavailable on the proposed August 5, 2024 trial date.

Specifically, Small Door Gramercy’s principal, has a prior scheduled, conflicting obligation arising out of a board meeting. Small Door Gramercy’s Fed.R.Civ.P. 26(a)(2) expert witness has a prior scheduled, conflicting obligation arising out of international travel.

In light of the foregoing, Small Door Gramercy respectfully requests that the Court adjourn the August 5, 2024 trial to a date and time after September 2, 2024. This is the first request of its nature, and is made on consent of co-Defendant 380 Second LLC. Plaintiff Milagros Franco (the “Plaintiff”) has neither consented to, nor objected to, the instant request.

We thank the Court for its attention to this matter, and are available at the Court’s convenience to answer any questions related to the foregoing.

Application GRANTED. By June 18, 2024, the parties should jointly propose two separate weeks for trial in the months of September or October. All other pretrial deadlines remain the same. The Clerk of Court is directed to terminate the motion at ECF No. 137.

SO ORDERED.


Arun Subramanian, U.S.D.J.

Date: June 11, 2024

Cc: All Counsel, via ECF.

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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